

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
THE CLOSED SESSION MEETING REPORT  
FOR MONDAY AND TUESDAY, JANUARY 30 AND 31, 2012  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**REPORTING THE RESULTS OF THE CLOSED SESSION MEETING**

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of January 30 and 31, 2012, as follows:

**CLOSED SESSION MEETING FOR MONDAY, JANUARY 30, 2012**

(Closed Session Items were heard on Tuesday, January 31, 2012, from 9:00 a.m. to 10:00 a.m. and reconvened at 11:30 a.m.)

**CLOSED SESSION MEETING FOR TUESDAY, JANUARY 31, 2012, at 9:00 a.m.**

**ROLL CALL:**

Present: Mayor Sanders, Council President Young, Council President Pro Tem Faulconer and Councilmembers Gloria, Lightner, Zapf, Emerald, and Alvarez

Absent: Councilmember DeMaio – Dist. 5 (Absent for CS-1 and 2)

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1 *Park Place on Harbor Drive Owners Association v. Bosa Development California, Inc., et al.***

San Diego Superior Court Case No. 37-2009-000099056-CU-CD-CTL (Lead Case)  
(Consolidated with San Diego Superior Court Case No. 37-2010-00094666-CU-CD-CTL  
and San Diego Superior Court Case No. 37-2010-0099534-CU-PO-CTL)

CDCA Assigned: C. Leone

Report: Nothing to Report

**CS-2 *The Grande South at Santa Fe Place Homeowners Association v. Bosa Development California, Inc., et al.***

San Diego Superior Court Case No. 37-2009-00102606-CU-CD-CTL

CDCA Assigned: C. Leone

Report: Nothing to Report

**CS-3 *Animal Protection and Rescue League, et al. v. City of San Diego***

San Diego Superior Court Case No. 37-2011-00085228-CU-MC-CTL

Risk Claim No. 4028

***La Jolla Friends of the Seals v. Mayor Jerry Sanders, et al.***

San Diego Superior Court Case No. 37-2012-00090201

Risk Claim No. 5681

***La Jolla Friends of the Seals, et al. v. City of San Diego***

U.S. District Court Case No. 08cv1847 WQH (POR);

U.S. Court of Appeals Ninth Circuit Case No. 11-56617

Risk Claim No. LP09-0020-0715

DCA Assigned: G. Schaefer

Report: Nothing to Report

**CS-4 *Rapheal Watkins v. City of San Diego***

San Diego Superior Court Case No. 37-2010-00106192-CU-WT-CTL

DCA Assigned: K. Zlotnik

**NOTE:** This Item was heard at the 11:30 p.m. Closed Session Meeting.

**CS-5 *Save Our Heritage Organisation (SOHO) v. City of San Diego***

San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL

DCA Assigned: D. Worley

**NOTE:** This Item was heard at the 11:30 p.m. Closed Session Meeting.

**CS-6 *Hon, LLLP v. City of San Diego Redevelopment Agency, et al.***

San Diego Superior Case No. 37-2011-00090762-CU-OR-CTL

DCA Assigned: J. Allen

**NOTE:** This Item was heard at the 11:30 p.m. Closed Session Meeting.

**CLOSED SESSION MEETING FOR TUESDAY, JANUARY 31, 2012, at 11:30 a.m.**

**ROLL CALL:**

Present: Council President Young, Council President Pro Tem Faulconer, and Councilmembers Gloria, Lightner, Zapf, Emerald, and Alvarez

Absent: Mayor Sanders – Absent for the Meeting.

**CLOSED SESSION ITEMS:**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-4 *Rapheal Watkins v. City of San Diego***

San Diego Superior Court Case No. 37-2010-00106192-CU-WT-CTL

DCA Assigned: K. Zlotnik

Motion: Approve settlement offer.

Moved: Councilmember Lightner – Dist. 1

Seconded: Councilmember Emerald – Dist. 7

Vote: Passed 7 to 1 with Councilmember DeMaio voting “No”

Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, January 31, 2012, at 4:30 p.m.

Today, in Closed Session, the City Council voted on Closed Session Item No. 4, *Rapheal Watkins v. City of San Diego*, San Diego Superior Court Case No. 37-2010-00106192-CU-WT-CTL, to accept the settlement offer, wherein in exchange for payment to the Plaintiff of \$180,000, Plaintiff promises and agrees to dismiss his complaint with prejudice. Plaintiff also agrees to release and discharge the City, including its agents, employees, etc. from any and all liability for damages and losses resulting from Plaintiff’s employment with the City. This matter involved an employment discrimination lawsuit against the City.

The motion passed 7 to 1 with Councilmember DeMaio voting “No.”

**CS-5 *Save Our Heritage Organisation (SOHO) v. City of San Diego***

San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL

DCA Assigned: D. Worley

Motion: Authorize the City Attorney to seek reconsideration of the judge’s decision and if upheld, to appeal.

Moved: Councilmember Gloria – Dist. 3

Seconded: Councilmember DeMaio – Dist. 5

Vote: Passed 7 to 1 with Councilmember Lightner voting “No”

Report: This item was reported out by Assistant City Attorney Mary Jo Lanza fame on Tuesday, January 31, 2012, at 4:30 p.m.

Also, today, in Closed Session, the City Council voted on Closed Session Item No. 5, *Save Our Heritage Organisation (SOHO) v. City of San Diego*, San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL, authorizing the City Attorney to seek reconsideration of the judge's decision and if reconsideration is denied, to appeal. This matter involved a challenge to the City's action approving a Memorandum of Understanding between the City and the Plaza de Panama Committee.

The motion passed 7 to 1 with Councilmember Lightner voting "No."

**CS-6** *Hon, LLLP v. City of San Diego Redevelopment Agency, et al.*  
San Diego Superior Case No. 37-2011-00090762-CU-OR-CTL

DCA Assigned: J. Allen

Report: Nothing to Report

REPORTED BY:                     /s/                      
Mary Jo Lanza fame  
Assistant City Attorney